

**FILED**

**DEC 04 2009**

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, HELENA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

MICHAEL ELLENBURG,

Plaintiff,

vs.

WARDEN SAM LAW, et al.,

Defendants.

No. CV-09-13-GF-SEH

**ORDER**

On June 18, 2009, United States Magistrate Judge Keith Strong entered his Findings and Recommendations<sup>1</sup> in this matter. Plaintiff filed objections on June 29, 2009, and on August 14, 2009.<sup>2</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Strong's Findings and Recommendations and adopt them in full.

---


<sup>1</sup> Document No. 17

<sup>2</sup> Document Nos. 18 and 21

ORDERED:

1. Plaintiff's Amended Complaint<sup>3</sup> is DISMISSED with prejudice for failure to state a claim upon which relief may be granted.
2. All pending motions<sup>4</sup> are DENIED.
3. The filing of this action counts as a fourth strike under 28 U.S.C. § 1915(g) as the Amended Complaint fails to state a claim upon which relief may be granted.
4. Any appeal from this disposition will not be taken in good faith as the claims asserted in the Amended Complaint are frivolous. Fed. R. App. P. 24(a)(3)(A).
5. The Clerk is directed to enter judgment accordingly.

DATED this 4<sup>th</sup> day of December, 2009.

  
SAM E. HADDON  
United States District Judge

---

<sup>3</sup> Document No. 7

<sup>4</sup> Document Nos. 12, 25, 27, 28, 29, 30 and 31